



Attorney Docket No.: 50018USNP

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22313-1450.

Susan D. Holder

Type or print name

Susan D. Holder

Signature

October 30, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

ART UNIT: 1636

Pascal ET AL.

EXAMINER: Maria Marvich

APPLICATION NO: 10/087,167

CONFIRMATION NO: 4256

**RECEIVED**

FILED: October 24, 2001

NOV 06 2003

FOR: Control of Gene Expression in Plants

TECH CENTER 1600/2900

REPLY TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction/Election requirement mailed on October 6, 2003, Applicants elect Group I, claims 1-39, 42-43, 50-51, 58-59, 66-67, 74-75, 82-83 and 90-91. the species of SEQ ID NO:18, without traverse. However, Applicants reserve their right to Petition from the election requirement under 37 C.F.R. § 1.144.

Applicants further elect the following species:

DNA binding domains

*Manduca sexta* EcR DNA binding domain

hinge domain

*Manduca sexta* EcR hinge domain

ligand binding domain

*Ostrinia nubilalis* EcR ligand binding domain

It is believed that there is no need for an Extension of Time for entry of this paper. However, if it is deemed that any such extension or any other fees are necessary to maintain pendency of this application, then the Office is hereby authorized to charge Deposit Account No. 50-1744 (in the name of Syngenta Biotechnology Inc.) for payment of such fees.

Respectfully submitted,

  
Mary Kakeufda

Syngenta Biotechnology, Inc.  
Patent Department  
P.O. Box 12257  
3054 Cornwallis Road  
Research Triangle Park, NC 27709-2257  
Telephone: 919-765-5071  
Date: October 30, 2003

Attorney for Applicant  
Registration No. 39,245